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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,051	07/18/2000	Robert S. Blackmore	POU920000126US1	9648

7590 12/29/2003

Lawrence D Cutter  
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EXAMINER
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WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/29/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/619,051

Applicant(s)

BLACKMORE ET AL.

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to the communication filed on September 25, 2003.
2. Claims 1-2 remain pending in the application.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,516,343 to Pong et al. (hereinafter "Pong").

In considering claim 1, Pong discloses a method for sending a message stored in the memory of a first data processing system into the memory of a second data processing system (column 1, lines 10-12), said method comprising the steps of:

transmitting said message from said first data processing system to a temporary memory in an adapter, which is connected to said second data processing system (column 3, lines 56-58 and column 4, lines 6-7; Note that the "destination system control unit" is the second data processing system adapter.);

transferring, from said adapter to said second data processing system, an indication that said temporary memory in said adapter contains the message received from said first data processing system (column 4, lines 14-17 and column 5, lines 25-28);

transferring, from said second data processing system to said adapter, real address information indicating desired target memory locations for said message (column 1, lines 55-58);

transferring said message, from said temporary memory in said adapter, directly into said target memory locations in the memory of said second data processing system, said transfer occurring via direct memory access (column 1, lines 59-65);

transferring, from said adapter to said second data processing system, an indication that said target locations now contain the message received from said first data processing system (column 4, lines 51-65); and

transmitting an acknowledgement of receipt of said message from said second data processing system to said first data processing system (column 4, lines 14-17).

In considering claim 2, Pong further discloses the step of advancing indicators in said first data processing system in preparation of transmitting another message, whereby a number of messages may be sent in rapid sequence (column 4, lines 1-5).

#### ***Response to Arguments***

4. Applicant's arguments filed September 25, 2003, with respect to claims 1 and 2 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 6, lines 4-5 that "*applicant's claimed process begins not with the transmission of a request, but rather, with the transmission of a message*", the Office agrees that this may in fact be the case, however the claims read that the method is "comprising" of the listed steps. Therefore, it is interpreted that the invention must contain these steps, but not solely these steps, and may in fact contain additional steps before, after or in between the listed steps.

With respect to applicant's argument on page 6, lines 12-16: "*...[I]n the process recited to Pong et al., the destination address is determined at the transmission end of the request. In*

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*contrast, in applicant's claimed process the destination address is determined at the destination end of the process."* It is noted that nowhere in the claim language does it specify that the destination address is not determined until the end of the process, or in other words at the destination (as stated in the arguments on page 7), hence these arguments are not persuasive.

Referring to the arguments listed on page 6, lines 21-22 that the control unit disclosed in Pong is not the same thing as a communications adapter, it is noted that nowhere in the claim language does the Applicant define the adapter, it merely states that this adapter temporarily holds a message in transferring from a first data processing system to a second data processing system. Since the control unit disclosed by Pong provides this same functionality as the applicant's adapter, it is deemed that these two units are equivalent and therefore the argument is not persuasive.

Referring to the arguments listed on page 7, lines 23-26: *"With respect to this part of applicants' process, it is particularly seen that the patent to Pong et al. is completely devoid of any teachings, suggestions, or disclosures concerning interchange of such information between a communications unit and a processor or processing element."* The Office respectfully disagrees, it is noted that the cited pages of Pong (column 4, lines 14-17 and 5, lines 25-28 and column 1, lines 55-58) do in fact show interchange of such information. Pong discloses that once a predetermined number of block transfers have been completed (i.e. the message has been completely transferred), a complete block signal is sent from the destination system control unit to the requesting system control unit (i.e. an indication that the message has been received from the first system to the second system). Therefore, Pong does teach this limitation.

Lastly, with regard to Applicant's arguments on page 8, lines 3-19 that state that the invention disclosed by Pong requires that the destination system control unit be determined, whereas the Applicant's claimed invention states that the relevant communications adapter is already known. Again, the claim language does not teach nor suggest that the adapter has to be known before the process begins; therefore this argument is not persuasive.

In conclusion, applicant's arguments have been fully considered, however they were deemed not persuasive and therefore the rejection of claims 1-2 under 35 U.S.C. 102(e) to U.S. Patent No. 6,516,343 to Pong stands.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mnw *mnw*  
December 17, 2003

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100